



## U.S. Department of Justice

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Western District of New YorkFILED  
U.S. DISTRICT COURT  
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6/20/06BY: [Signature]  
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June 20, 2006

Honorable Leslie G. Foschio  
United States Magistrate Judge  
United States Courthouse  
68 Court Street-Fourth Floor  
Buffalo, New York 14202Re: United States v. Dechaun Applewhite  
05-CR-291-A

Dear Magistrate Judge Foschio:


The above case is scheduled for oral argument with respect to the defendant's pre-trial motions on **June 20, 2006**.

Both parties are respectfully requesting oral argument be adjourned for a period of 60 days. The reasons this adjournment is sought is to allow the parties the opportunity to resolve the case before this Court as well as the Criminal Complaint pending before United States Magistrate Judge H. Kenneth Schroeder, Jr.

Based upon the above, it is the position of both the defendant and the Government that the time up to and including the time set by the Court, should be continued to be excluded pursuant to Title 18, United States Code, Section 3161(h)(8)(A) as well as Section 3161(h)(1)(F), and as such, 70 days remain on the Speedy Trial Act clock.

Respectfully submitted,

Terrance P. Flynn  
United States Attorney

  
BY: MICHAEL DIGIACOMC  
Assistant U.S. Attorney

MD/ksb

cc: Herbert L. Greenman, Esq.

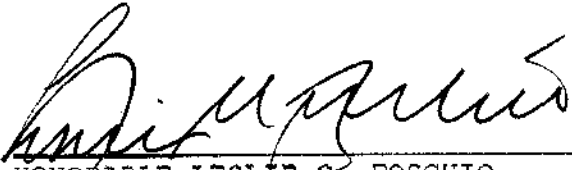
\* \* \* \* \*

Upon request of the parties, it is hereby

**ORDERED** that the time through Aug. 22, 2006<sup>@ 3pm</sup> shall be excluded from calculation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(F), and 70 days remain on the Speedy Trial Act clock. ✓

SO ORDERED.

DATED: Buffalo, New York, June 20<sup>th</sup>, 2006.

  
HONORABLE LESLIE G. FOSCHIO  
United States Magistrate Judge